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**Nixon & Vanderhye PC.**  
ATTORNEY AT LAW11TH FLOOR  
901 NORTH GLEBE ROAD  
ARLINGTON, VIRGINIA 22203-1808TELEPHONE: (703) 816-4000  
FACSIMILE: (703) 816-4100  
WRITER'S DIRECT DIAL NUMBER:  
**(703) 816-4027****FACSIMILE COVER SHEET**  
**PLEASE DELIVER IMMEDIATELY!!!!**Our Ref.: 2380-122  
Your Ref.: USSN 09/286,471 Date: October 12, 2006To: Steven Brantley  
Firm: USPTO-Petitions  
Facsimile No.: 571-273-0025  
From: H. Warren Burnam, Jr., Reg. No. 29,366Number of Pages (including cover sheet): 6  
(IF YOU DO NOT RECEIVE ALL OF THE PAGES OR ENCOUNTER DIFFICULTIES IN TRANSMISSION,  
PLEASE CONTACT US IMMEDIATELY AT (703-816-4000).Linda Hull  
FACSIMILE OPERATORATTACHMENT/S: Copy of Renewed Petition Requesting Action on Application filed  
May 22, 2006**MESSAGE:****CONFIDENTIALITY NOTE**

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****FAX RECEIVED**

OCT 12 2006

In re Patent Application of

WILLARS et al.

Serial No. 09/286,471

Filed: April 6, 1999

For: INTER-SYSTEM HANDOVER --  
GENERIC HANDOVER MECHANISM

Atty. Ref.: 2380-122

TC/A.U.: 2681

Examiner: Not Yet Assigned

**OFFICE OF PETITIONS**

\* \* \* \* \*

May 22, 2006

MAIL STOP PETITIONS

Commissioner for Patents

Attention: Beth Anne Bayoan

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

**RENEWED PETITION REQUESTING ACTION ON APPLICATION**

On July 5, 2005, a Petition Requesting Action on Application was filed in the US Patent Office. Applicant has received no formal indication of action on the Petition. The undersigned has spoken telephonically with Mr. Steve Brantley of the Petitions Office, and believes that Petitions Office does not even have the Petition on its docket.

It is again respectfully requested that the US Patent Office respond to Applicants' Third Status Inquiry regarding the captioned application, and take (or advise) whatever action is need to obtain examination of the captioned application. If the captioned application has been abandoned via action of the US Patent Office or otherwise, it is respectfully requested that the abandonment be rescinded or otherwise corrected, or that the application be revived.

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A copy of the July 5, 2005 Petition and postcard evidencing filing of the Petition on July 5, 2005 are attached as Exhibits 1 and 2, respectively.

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Facts

1. The captioned application was filed on April 6, 1999 and afforded the above-referenced serial number.

2. A first Status Inquiry was filed on October 8, 2001. *See*, Exhibit 13. A response from the Patent Office was subsequently received stating that "an expected date for action should be approximately November 2001." *See*, Exhibit 14.

3. A second Status Inquiry was filed on October 8, 2002. *See*, Exhibit 15. A response from the Patent Office was received on November 21, 2002 stating "We project that this application will be first examined in 0 to 3 months from today." *See*, Exhibit 16.

4. A third Status Inquiry was filed on October 6, 2004. *See*, Exhibit 17. No response has been received.

5. Attached is PAIR printout (dated July 7, 2005) showing that the application was "docketed to Examiner in GAU" for a third time on April 8, 2003. *See*, Exhibit 18. The PAIR printout also shows a cryptic, not-understood April 8, 2004 entry "Duplicate case has been deactivated". The PAIR printout further indicates a status of "Missassigned application number."

6. No files of Nixon & Vanderhye, paper or computerized, show receipt of any office action or substantive communication from the US Patent Office for the captioned application, and in fact no communication from the US Patent Office after the November 21, 2002 response to Status Request. Nor does the PAIR printout show mailing of any office action or substantive communication.

7. Applicants filed a similar application with same title on April 1, 1999, which was afforded Serial Number 09/283,919. Applicants did not respond to communications from the US Patent Office with respect to the earlier-filed Serial Number 09/283,919, and permitted abandonment of the 09/283,919 application, with the intention of pursuing the captioned application instead.

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8. As a result of a telephone conversation with Mr. Steve Brantley of the Petitions Office, the undersigned is of the belief that the US Patent Office may have abandoned the captioned application by incorrectly attributing either fees or documents or both to the similar application mentioned in paragraph 7 above, rather than to the captioned application.

9. A complete copy of the application as filed resides in the PTO electronic files but is mischaracterized as a "miscellaneous incoming letter" in the image file wrapper for the captioned application. Insofar as the undersigned can surmise, the US Patent Office has not captured any other paper for the application in electronic form.

#### Relief Sought

It is respectfully requested that the US Patent Office respond to Applicants' Status Inquiries, and moreover advance prosecution of the captioned application. If for any reason the application has been incorrectly discarded or deemed abandoned by the US Patent Office, Applicants request that the US Patent Office on its own initiative make appropriate corrective remedy. If the application has been discarded or deemed abandoned by the US Patent Office for any alleged action or inaction of Applicants, Applicants request an explanation and an opportunity to take any remedial action.

In the event that the US Patent Office has lost the file or otherwise may need to construct some or all of the file for the captioned application, the undersigned submits herewith true and accurate copies of Exhibits 1 – 17 (from the undersigned's files, unless otherwise noted) which should be included in the PTO file:

Exhibit 1: Copy of the July 5, 2005 Petition.

Exhibit 2: Copy of postcard evidencing filing of the Petition on July 5, 2005.

Exhibit 3: Application as filed (printed from the US PTO website image file wrapper for the captioned application, including Rule 53(b) transmittal letter, all mischaracterized as a "miscellaneous incoming letter").

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Exhibit 4: IDS (with PTO-1449 but without references) filed April 6, 1999.

Exhibit 5: Copy of postcard receipt, evidencing filing of application on April 6, 1999 with Serial Number.

Exhibit 6: Notice to File Missing mailed April 28, 1999.

Exhibit 7: Response to Notice to File Missing mailed April 28, 1999, including Declaration and Assignment, all filed June 9, 1999.

Exhibit 8: Assignment and Recordation Request, filed June 9, 1999.

Exhibit 9: Official Filing Receipt, mailed June 18, 1999.

Exhibit 10: Notice of Recordation, mailed August 12, 1999.

Exhibit 11: IDS filed December 10, 1999.

Exhibit 12: Supplemental Declaration filed January 4, 2001.

Exhibit 13: Status Inquiry filed October 8, 2001.

Exhibit 14: Response to Status Inquiry filed October 8, 2001.

Exhibit 15: Second Status Inquiry filed October 8, 2002.

Exhibit 16: Response to Second Status Inquiry mailed November 21, 2002.

Exhibit 17: Third Status Inquiry filed October 6, 2004.

Exhibit 18: Transaction History from USPTO PAIR System


The undersigned submits that Exhibit 18 proves, e.g., mailing/filing of Exhibits 6 - 7, and 11.

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The Commissioner is authorized to charge the undersigned's deposit account #14-1140 in whatever amount is necessary for entry of these papers and the continued pendency of the captioned application, including any Petition Fee. It is hoped, under the apparent circumstances, that a Petition fee or any other fee would not be assessed against the Applicants.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By:   
H. Warren Burnam, Jr.  
Reg. No. 29,366

HWB:lsh  
901 North Glebe Road, 11th Floor  
Arlington, VA 22203-1808  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100